United States District Court Southern District of Texas

## **ENTERED**

November 10, 2018 David J. Bradley, Clerk

## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

ROY WILLIAMS,	§	
(TDCJ #828343)	§	
	§	
Petitioner,	§	
	§	CIVIL ACTION NO. H-00-3131
v.	§	
	§	APPEAL NO. 18-20573
LORIE DAVIS, Director,	§	
Texas Department of Criminal Justice -	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

## **ORDER**

In September 2000, Roy Williams, a Texas state inmate, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. (Docket Entry No. 1). On February 22, 2002, this court denied relief and dismissed Williams's petition with prejudice. (Docket Entries No. 18, 19). The Fifth Circuit Court of Appeals denied Williams's request for a certificate of appealability. (Docket Entry No. 25).

In August 2018, Williams filed a "notice of appeal and request for counsel," (Docket Entry No. 100), along with a motion for leave to proceed without prepaying the filing fee, (Docket Entry No. 102). These pleadings were docketed as a notice of appeal to the Fifth Circuit and a motion for leave to proceed on appeal without prepaying the filing fee.

On October 22, 2018, Williams notified the court that his notice of appeal was docketed in error. (Docket Entry No. 106). A review of court records as well as letters from Williams leads this court to conclude that Williams intended to file his notice of appeal as a separate civil action in this court.

The Clerk's Office is directed to docket Williams's notice of appeal, (Docket Entry No. 100), as a new civil action and to transfer the pending motion for leave to proceed without prepaying the filing fee, (Docket Entry No. 102), to the new case. The Clerk's Office is further directed to forward a copy of this order to the Fifth Circuit Court of Appeals.

SIGNED on November 15, 2018, at Houston, Texas.

Lee H. Rosenthal

Lee X Tom

Chief United States District Judge